IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Crl.MC.No. 1753 of 2006()

[CRIME NO.316/CR/03 OF CRIME BRANCH, KANNUR]

PETITIONER: ACCUSED

PRIYA.M.K., AGED 26 YEARS,
'SREEPRABHA", PANDIYALA PARAMBA,
MAMBARAM P.O., KANNUR.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS: COMPLAINANT/STATE

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1. JAYAKUMARAN NAIR.P.,
MALIYARAKKAL VEEDU, PALUKAL P.O.,
K.K.DISTRICT.

2. C.K.SREEKUMAR, CHAIRMAN,
KERALA STATE COURIERS AND PARCELS CO.LTD.,
`ERAMBALI' HOUSE, KANNOTHUMCHAL,
POST CHOVA, KANNUR.

3. CRIME BRANCH, KANNUR.

4. PRASAD, DIRECTOR,
KERALA STATE COURIERS AND PARCELS CO.LTD.

5. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1753 of 2006

Dated this the 4th day of December 2006

O R D E R

This petition is filed by the petitioner under Section 482 Cr.P.C. The petitioner is accused No.8 in an F.I.R registered by the police, on the basis of Annexure V complaint. The petitioner has come to this court with the prayer that the investigation in so far as it relates to the petitioner may be quashed, as she was not an office bearer of the society at the relevant point of time.

2. When this petition came up for hearing finally, the learned Public Prosecutor submits that the investigation is already complete and the final report has already been filed. The petitioner has been arrayed as an accused in the final report, it is submitted.

3. The prayer is to quash the F.I.R. As it has lost its relevance, the petitioner can now certainly appear before the learned Magistrate and claim discharge under Section 239/240 Cr.P.C. The petitioner's prayer for discharge must be considered by the learned Magistrate on merits and expeditiously. The learned counsel for the petitioner submits that as the petitioner is a woman, aged about 27 years. Grave prejudice, hardship, loss and inconvenience would be suffered, if her personal appearance were to be insisted by the learned

Magistrate. In the facts and circumstances of this case, I am certainly satisfied that the petitioner can be permitted to appear through pleader and claim discharge. Only if the learned Magistrate finds that the charges are liable to be framed against the petitioner need the petitioner's personal presence be insisted. Till then, she shall be permitted to represent by a counsel. This Criminal Miscellaneous Case is in these circumstances dismissed but subject to the above observations and directions.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006